

SUNSET PLACE HOMEOWNERS' ASSOCIATION

Recorded Amendments

December 6, 2018

Dear Resident(s):

Enclosed for your files are copies of the recently passed Amendments to the Declaration of Restrictions and Bylaws for Sunset Place Association of Carlsbad.

Sincerely,

Shawna Mathews, Community Association Manager
On behalf of the Sunset Place/Capri Board of Directors

Recording Requested By

DOC# 2018-0495162

And When Recorded Return To:



Jay J. Brown
FEIST, VETTER, KNAUF & LOY, APC
P.O. Box 1307
Carlsbad, CA 92018-1307

Nov 30, 2018 11:00 AM
OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$113.00 (SB2 Atkins: \$75.00)

PAGES: 9

**THIRD AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
SUNSET PLACE ASSOCIATION OF CARLSBAD**

This Document amends that certain "Declaration of Covenants, Conditions and Restrictions" ("Declaration") of Sunset Place Association of Carlsbad, recorded September 19, 1986 as Document No. 86-414297 in the Office of the County Recorder of San Diego County state of California, and as amended October 20, 1986 as Document No. 86-472131 and as further amended March 31, 1988 as Document No. 88-146966, and affecting real property described in Exhibit A, attached hereto.

WHEREAS it is now the intention of the present owners of Lots within Sunset Place Association of Carlsbad to amend said Declaration previously recorded;

NOW, THEREFORE, said Declaration is hereby amended as follows:

ARTICLE XII -MAINTENANCE OF LOTS AND IMPROVEMENTS is amended to remove the height limitation on palm trees. This section now reads as follows:

Each owner shall maintain his lot and all landscaping thereon (except for the "Pedestrian and Bicycle Trail described on Exhibit B attached hereto, and the "Slope Area" described on Exhibit C attached hereto, which are to be maintained by the Association as prescribed in Articles XIV and XV hereof), and all other improvements thereon, in a first class, clean, sanitary, and attractive condition. All landscaping shall, at all times, be maintained in a flourishing manner. Each owner shall keep his lot (except for the **Pedestrian and Bicycle Trail and Slope Area**) clear of weeds, and shall keep all vegetation neatly trimmed. **If any portion of the landscaping upon any lot (except for the Pedestrian and Bicycle Trail and Slope Area) is removed or destroyed, or damaged by fire or other cause, the owner of the lot shall re-landscape and re-plant within sixty (60) days of such damage. No landscaping on any lot (including the Pedestrian and Bicycle Trail and Slope Area) shall be allowed to attain a height in excess of twenty-four (24) feet. Palm trees on lots, Pedestrian and Bicycle Trail, and Slope Area are exempt from the twenty-four (24) feet height limitation. The Board shall be granted the authority, but not the obligation to adopt operating rules pursuant to Civil Code 4355 which restrict or control the height, location, or quantity of landscaping regardless of location in the project.**

Except as so amended, the Declaration shall remain unchanged.

CERTIFICATION of AMENDMENT

The undersigned, being the duly elected President and Secretary of the SUNSET PLACE ASSOCIATION OF CARLSBAD hereby certify that the foregoing Third Amendment to Declaration of Covenants, Conditions and Restrictions Sunset Place Association of Carlsbad was approved pursuant to the provisions of Civil Code section 4270 by the vote of at least seventy five percent (75%) of the total eligible voting power of the association as required by Article X, Section 4 of the Declaration.

President: for Sunset Place Association of Carlsbad
Secretary: for Sunset Place Association of Carlsbad
Signature: [Handwritten Signature] Signature: [Handwritten Signature]
JOHN DARROCH JOHN QUARTARONE
Printed or Typed Name Printed or Typed Name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of California }
County of San Diego }

On November 14, 2018 before me, Sandra Burns, Notary Public, in and for the State, personally appeared John Darroch, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Handwritten Signature: Sandra Burns]
NOTARY PUBLIC SIGNATURE

NOTARY PUBLIC SEAL



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of California }

County of San Diego }

On November 14, 2018 before me, Sandra Burns, Notary Public, in and for the State, personally appeared John Quartarone, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Sandra Burns

NOTARY PUBLIC SIGNATURE

NOTARY PUBLIC SEAL



SUNSET PLACE ASSOCIATION OF CARLSBAD

AMENDMENT TO BYLAWS

INCREASING TERM OF DIRECTORS TO TWO YEARS WITH STAGGERED TERMS AND RESTRICTING COMPENSATION TO DIRECTORS, MEMBERS OF ASSOCIATION AND ENTITIES IN WHICH A MEMBER HAS AN OWNERSHIP INTEREST

WHEREAS the members of Sunset Place Association of Carlsbad have determined that it is in the best interest of the Association to change the term for directors from (1) one to (2) two years and to stagger the terms of the directors, and to restrict the Association from paying compensation to members of the Association or entities in which a member has an ownership interest, without a vote of the members.

WHEREAS Article XIII of the Bylaws provides that the Bylaws of the Association may be amended by affirmative vote of a majority of the voting power of members.

WHEREAS an election was held and the written vote of a majority of the voting power of Association voted in favor of changing the term of directors and restricting compensation to members as set forth below.

Amendment:

Article IV, Section 2: Term of Office. The directors of this Association shall serve for a term of two (2) years, with two directors elected in even numbered years, and three (3) directors elected in odd numbered years, except that the election immediately following the adoption of this Amendment shall be an election of five members, three of whom shall serve for two years and the other two for one year. The determination of which directors shall serve for only one year shall be made by resolution of the elected Board Members. All directors shall be Owners of a Lot whose memberships are in good standing with all assessments current and not subject to any suspension of membership rights. Only one resident per Lot shall be eligible to serve on the Board at any time. The affairs of this Association shall be managed by a Board of three (3) Directors.

Article VII, Section 2(c): Restrictions. The Board of Directors shall be prohibited from taking any of the following actions, except with the following described vote or written assent of a majority of the total voting power of the Association:

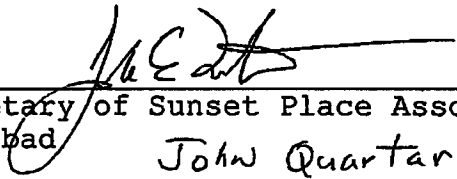
(c) paying compensation to members of the Board of Directors, members of Association or entities in which a member of Association has an ownership interest, for services performed in the conduct of the Association's business; provided, however, that the Board may cause a director or a member of Association to be reimbursed for expenses incurred in carrying on the business of the Association; and

CERTIFICATION OF SECRETARY

The undersigned hereby certifies:

1. That I am the duly elected and acting Secretary of Sunset Place Association of Carlsbad.
2. That the foregoing Bylaw amendments were approved by the required vote of the membership.

Dated: 11/14/18


Secretary of Sunset Place Association of
Carlsbad John Quartarone